

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Benedikt Aschermann

§

Group Art Unit: Not yet known

Serial No: 10/502528

§

Examiner: Terry M Johnson  
Vessels

Filed: July 26, 2004

§

§

§

For: Method and System for Transmission of Carrier Signals Between First and  
Second Antenna Networks

Attention OIPE  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

**CERTIFICATE OF MAILING OR TRANSMISSION**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage for First class or Express mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or being facsimile transmitted to the USPTO at (571) 273-8300, or electronically via EFS-Web on the date indicated below.

Date: June 26, 2006

Name: Melissa Wingo

Signature: Melissa Wingo

Dear Sir:

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT  
UNDER 37 C.F.R. 1.181**

It is respectfully requested that the USPTO withdraw the holding of abandonment and continue examination of this application. The application was abandoned by the USPTO for Applicant's failure to timely file a response to the Notification of Missing Requirements dated 17 December 2004. The Applicant contends that this application is, in fact, not abandoned. The facts relating to the abandonment of this application are as follows:

1. A Notification of Missing Requirements was mailed by the USPTO on 17 December 2004.

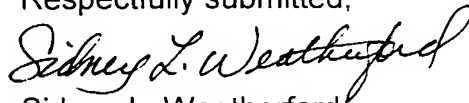
2. The Applicant timely submitted a Response to Notification of Missing Requirements to the USPTO by facsimile to (703)305-3230 on January 4, 2005. A copy of this submittal is enclosed herewith, along with the USPTO Auto-Reply Facsimile Transmission receipt dated January 4, 2005. (Enclosure A)

3. A Notice of Abandonment was issued by the USPTO on June 12, 2006. The notice stated that the Applicant failed to respond to the Notification of Missing Requirements dated 17 December 2004. (Enclosure B)

The Applicant contends that a response was timely filed with the USPTO and the USPTO's Auto-Reply Facsimile Transmission receipt is proof that the USPTO received the response in a timely manner. The Applicant further contends that no petition fee is due since the response was misplaced by the USPTO.

For all the above reasons, the Applicant respectfully requests that the USPTO withdraw the holding of abandonment and continue examination of this application.

Respectfully submitted,



Sidney L. Weatherford  
Registration No. 45,602

Ericsson Inc.  
6300 Legacy Drive, M/S EVR 1-C-11  
Plano, Texas 75024

(972) 583-8656  
sidney.weatherford@ericsson.com

## Auto-Reply Facsimile Transmission



TO: Fax Sender at 9725837864

Fax Information  
Date Received: 1/4/2005 2:19:49 PM [Eastern Standard Time]  
Total Pages: 6 (including cover page)

**ADVISORY:** This is an automatically generated return receipt confirmation of the facsimile transmission received by the Office. Please check to make sure that the number of pages listed as received in Total Pages above matches what was intended to be sent. Applicants are advised to retain this receipt in the unlikely event that proof of this facsimile transmission is necessary. Applicants are also advised to use the certificate of facsimile transmission procedures set forth in 37 CFR 1.8(a) and (b), 37 CFR 1.6(f). Trademark Applicants, also see the Trademark Manual of Examining Procedure (TMEP) section 306 et seq.

Received  
Cover  
Page

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01/04/2005 13:17 9725837864		ENCLOSURE IPR LEGAL		PAGE 01/06	
				EUS44405-3000	
<b>Response To Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EU/US)</b>				Docket No. P14957-US1	
Re Application Of: Benedikt Aschermann					
US Application No. 10/502,528		I.A. Filing Date 01/30/2002		Examiner Unknown	
				Group Art Unit Unknown	
Invention: Method and System for Transmission of Carrier Signals Between First and Second Antenna Networks					
Mail Stop PGT Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 Facsimile No. (703) 305-3230					
This is a response to the Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EU/US) mailed on December 17, 2004.					
Enclosed herewith for filing are the following: <input checked="" type="checkbox"/> A copy of the Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EU/US). (2 page(s)) <input checked="" type="checkbox"/> A properly signed oath or declaration in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date. (3 page(s)) <input type="checkbox"/> A verified English translation of the non-English language application papers as originally filed. This is requested that this translation be used as the copy for examination purposes in the United States Patent and Trademark Office. <input type="checkbox"/> Other: _____					
<input type="checkbox"/> This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a response to the above-identified Notice to File Missing Parts of Application. The requested extension is as follows (check time period desired). If an additional time extension is required, please consider this a notice therefor. <input type="checkbox"/> One month (\$120) <input type="checkbox"/> Two months (\$450) <input type="checkbox"/> Three months (\$1020) <input type="checkbox"/> Four months (\$1590) <input type="checkbox"/> Five months (\$2160)					
from: _____ until: _____					
<input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge \$130.00, the surcharge for late payment of filing fee and/or late filing of original declaration or oath or any other fees which may be required, or credit any overpayment, to <b>Expense Account No. 50-1378</b> . If an additional extension of time is required, please consider this a notice therefor and charge any additional fees which may be required.					
Signature: <i>Shirley L. Weatherford</i> Shirley L. Weatherford Intellectual Property Counsel Encision Inc. 6100 Legacy Drive, MS/EVW2C2 Ft. Worth, Texas 75024 Date: January 4, 2005			CERTIFICATE OF MAILING OR TRANSMISSION I hereby certify that this correspondence is being mailed with the United States Postal Service with sufficient postage for first class or first class mail with at least one additional postage meter stamp or postage meter stamp is being used as the United States Patent and Trademark Office requires. Date: January 4, 2005 Name: Jacqueline Wilson Signature: <i>Jacqueline Wilson</i>		
PAGE 1/1 * RCVD AT 1/4/2005 2:19:49 PM [Eastern Standard Time] * SVR:USPTO-6F06F-21 * DNR:7445032 * CSID:3726337864 * JURATION (m-m-s):02-10					

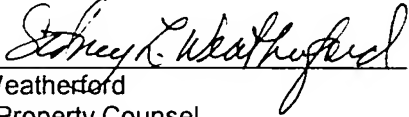



TRANSMISSION VERIFICATION REPORT

TIME : 01/04/2005 13:18  
 NAME : ERICSSON IPR LEGAL  
 FAX : 9725837864  
 TEL : 9725830000  
 SER. # : BROH2J626972

DATE, TIME : 01/04 13:17  
 FAX NO. /NAME : 917033053230  
 DURATION : 00:01:36  
 PAGE(S) : 06  
 RESULT : OK  
 MODE : STANDARD  
 ECM

EUS/J/P/05-3000

<b>Response To Notification of Missing Requirements Under                  35 U.S.C. 371 in the United States Designated/Elected                  Office (DO/EO/US)</b>			Docket No. P14957-US1
In Re Application Of: Benedikt Aschermann			
US Application No. 10/502,528	I.A. Filing Date 01/30/2002	Examiner Unknown	Group Art Unit Unknown
Invention: Method and System for Transmission of Carrier Signals Between First and Second Antenna Networks			
<p align="center"> <b>Mail Stop PCT</b>  <b>Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450</b>  <b>Facsimile No. (703) 305-3230</b> </p>			
This is a response to the Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) mailed on <u>December 17, 2004</u> .			
Enclosed herewith for filing are the following:			
<input checked="" type="checkbox"/> A copy of the Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US). (2 page(s))			
<input checked="" type="checkbox"/> A properly signed oath or declaration in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date. (3 page(s))			
<input type="checkbox"/> A verified English translation of the non-English language application papers as originally filed. It is requested that this translation be used as the copy for examination purposes in the United States Patent and Trademark Office.			
<input type="checkbox"/> Other: _____			
<input type="checkbox"/> This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a response to the above-identified Notice to File Missing Parts of Application. The requested extension is as follows (check time period desired). If an additional time extension is required, please consider this a petition therefor.			
<input type="checkbox"/> One month (\$120)	<input type="checkbox"/> Two months (\$450)	<input type="checkbox"/> Three months (\$1020)	<input type="checkbox"/> Four months (\$1590)
		<input type="checkbox"/> Five months (\$2160)	
from: _____ until: _____			

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US Application No. 10/502,528	I.A. Filing Date 01/30/2002	Examiner Unknown	Group Art Unit Unknown		
Invention: Method and System for Transmission of Carrier Signals Between First and Second Antenna Networks					
<b>Mail Stop PCT</b> <b>Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450</b> <b>Facsimile No. (703) 305-3230</b>					
<p>This is a response to the Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) mailed on <u>December 17, 2004</u>.</p> <p>Enclosed herewith for filing are the following:</p> <p><input checked="" type="checkbox"/> A copy of the Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US). (2 page(s))</p> <p><input checked="" type="checkbox"/> A properly signed oath or declaration in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date. (3 page(s))</p> <p><input type="checkbox"/> A verified English translation of the non-English language application papers as originally filed. It is requested that this translation be used as the copy for examination purposes in the United States Patent and Trademark Office.</p> <p><input type="checkbox"/> Other: _____</p>					
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<p><input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge \$130.00, the surcharge for late payment of filing fee and/or late filing of original declaration or oath or any other fees which may be required, or credit any overpayment, to Deposit Account No. 50-1379. If an additional extension of time is required, please consider this a petition therefor and charge any additional fees which may be required</p>					
<p>Signature: </p> <p>Sidney L. Weatherford Intellectual Property Counsel Ericsson Inc. 6300 Legacy Drive, MS/EVW2C2 Plano, Texas 75024</p> <p>Date: <u>January 4, 2005</u></p>		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center; padding: 5px;"><b>CERTIFICATE OF MAILING OR TRANSMISSION</b></td> </tr> <tr> <td style="padding: 5px;"> <p>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage for First class or Express mail in an envelope addressed to Commissioner for Patents, or being facsimile transmitted to the USPTO on the date indicated below.</p> <p>Date: <u>January 4, 2005</u>            Name: <u>Jacqueline Wilson</u></p> <p>Signature: </p> </td> </tr> </table>		<b>CERTIFICATE OF MAILING OR TRANSMISSION</b>	<p>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage for First class or Express mail in an envelope addressed to Commissioner for Patents, or being facsimile transmitted to the USPTO on the date indicated below.</p> <p>Date: <u>January 4, 2005</u>            Name: <u>Jacqueline Wilson</u></p> <p>Signature: </p>
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## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

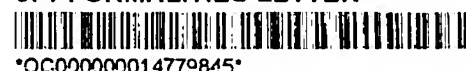
U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/502,528	Benedikt Aschermann	P14957-US1

INTERNATIONAL APPLICATION NO.	
PCT/EP02/00996	
IA FILING DATE	PRIORITY DATE
01/30/2002	

Ericsson Inc  
 6300 Legacy Drive  
 M/S EVW 2-C-2  
 Plano, TX 75024

Docketed: <u>MP</u>
Due: <u>2-17-05</u>
Initials: <u>JW</u>

CONFIRMATION NO. 7480  
 371 FORMALITIES LETTER



\*OC00000014779845\*

Date Mailed: 12/17/2004

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 07/26/2004
- Copy of the International Search Report filed on 07/26/2004
- Copy of IPE Report filed on 07/26/2004
- Preliminary Amendments filed on 07/26/2004
- U.S. Basic National Fees filed on 07/26/2004

RECEIVED

DEC 20 2004

EUS LEGAL DEPT.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- \$130 Surcharge for providing the oath or declaration later than 30 months from the priority date (37 CFR 1.492(e)) is required.

#### SUMMARY OF FEES DUE:

Total additional fees required for this application is \$130 for a Large Entity:

- \$130 Late oath or declaration Surcharge.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions

of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

JOHN L ANDERSON

Telephone: (703) 308-9116

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/502,528	PCT/EP02/00996	P14957-US1

FORM PCT/DO/EO/905 (371 Formalities Notice)

## Combined Declaration and Power of Attorney

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

### Method and System for Transmission of Carrier Signals Between First and Second Antenna Networks

the specification of which:

- ☐ is attached hereto.
- ☒ was filed on 30/January/2002 as United States Application No. \_\_\_\_\_ or PCT International Application Number PCT/EP02/00996 and was amended on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

☒ I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d) or Section 365(b) of any foreign application(s) for patent or inventor's certificate, or Section 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate or PCT International application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

Priority Not  
Claimed

PCT/EP02/00996  
(Number)

WO  
(Country)

30/January/2002  
(Day/Month/Year Filed)

☐

\_\_\_\_\_  
(Number)

\_\_\_\_\_  
(Country)

\_\_\_\_\_  
(Day/Month/Year Filed)

☐

\_\_\_\_\_  
(Number)

\_\_\_\_\_  
(Country)

\_\_\_\_\_  
(Day/Month/Year Filed)

☐



## Combined Declaration and Power of Attorney

☐ I hereby claim the benefit under 35 U.S.C. Section 119(e) of any United States provisional application(s) listed below:

(Application Serial No.)	(Filing Date)
--------------------------	---------------

(Application Serial No.)	(Filing Date)
--------------------------	---------------

(Application Serial No.)	(Filing Date)
--------------------------	---------------

☐ I hereby claim the benefit under 35 U.S.C. Section 120 of any United States application(s), or Section 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. Section 112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, CFR Section 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application:

(Application Serial No.)	(Filing Date)	(Status)
		(patented, pending, abandoned)

(Application Serial No.)	(Filing Date)	(Status)
		(patented, pending, abandoned)

(Application Serial No.)	(Filing Date)	(Status)
		(patented, pending, abandoned)


**POWER OF ATTORNEY:** As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith: Practitioners of Customer Number 27045.

Send correspondence to the address associated with Customer Number 27045.

Direct telephone calls to Sidney Weatherford at 972-583-8656.

**Combined Declaration and Power of Attorney**

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of inventor	<b>Benedikt Aschermann</b>	25.7.04
Inventor's signature		Date
Residence	<b>Germany</b>	
Citizenship	<b>Germany</b>	
Post Office Address	<b>Ilexweg 1a 42111 Wuppertal Germany</b>	



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
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U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/502,528	Benedikt Aschermann	P14957-US1

INTERNATIONAL APPLICATION NO.

PCT/EP02/00996

I.A. FILING DATE

PRIORITY DATE

01/30/2002

Ericsson Inc  
 6300 Legacy Drive  
 M/S EVW 2-C-2  
 Plano, TX 75024

CONFIRMATION NO. 7480

371

ABANDONMENT/TERMINATION  
LETTER

\*OC000000019083227\*

Date Mailed: 06/12/2006

## NOTIFICATION OF ABANDONMENT

The United States Patent and Trademark Office in its capacity as a Designated / Elected Office (37 CFR 1.495) has made the following determination:

- The applicant has not responded to the Notice of Missing Requirements mailed 17 December 2004. Therefore, this applicant is abandoned.

Therefore, the above identified application failed to meet the requirements of 35 U.S.C. 371 and 37 CFR 1.495, and is ABANDONED AS TO THE UNITED STATES OF AMERICA.

TERRY M JOHNSON VESSELS

Telephone: (703) 308-9140 EXT 221

PART 1 - ATTORNEY/APPLICANT COPY

FORM PCT/DO/EO/909 (371 Abandonment Notice)